



III. REMARKS

Applicant would first like to thank the Examiner for finding claims 7, 8, 11-13, 17, 19 and 20 directed to allowable subject matter.

In the Office Action of May 30, 2003, the drawings were objected to because they did not display the power supply in operative relation with the plurality of light emitting elements and coupled with the housing. Applicant respectfully points out that FIGS. 1c and 4a specifically show the relationship between the housing, the power source and the light emitting elements. However, the proposed amendments to the FIGS are provided to address the typographical error with respect to the numbering of the power source compartment. FIG 1c as originally filed referred to the power source compartment as 48 rather than 46, which refers to the wiring. In view of these corrections to the drawings, it is respectfully submitted that the drawings are no longer objectionable for the reasons cited in the Office Action.

In the Office Action of May 30, 2003, the incorporation by reference to US Patent 6,027,225 was objected to as improper because the claims depend on structure of the power supply and its relationship to the housing not disclosed in the present application. Applicant respectfully submits that Claims 1, 11 and 14 as originally filed provide structural support and indication of relationship to the housing sufficient to meet the written description and enablement requirements of the United States Code, with respect to the power source. It should be pointed out however, that the specification amendments proposed above, which incorporate no new matter, place the support from the claims directly into the specification. In view of preceding, it is respectfully submitted that the claims are no longer objectionable for the reasons cited in the Office Action.

In the Office Action of May 30, 2003, Claims 9-13 were objected to because of miscellaneous informalities which have been individually addressed by the foregoing claim amendments. In view of these corrections to the claims, it is respectfully submitted that the claims are no longer objectionable for the reasons cited in the Office Action.

Claims 1-20 Stand Rejected Under 35 U.S.C. §112, Second Paragraph

In the Office Action, claims 1, 11, 14 and 18, and the claims dependent thereon, were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, it was noted in the Office Action that in claims 1, 11 and 14 the phrase "a power supply... coupled within

the housing" is indefinite as lacking support from the specification. It was indicated that it was unclear how a solar energy system would operate to obtain external energy if the power supply is coupled within the housing. Applicant respectfully submits that pursuant to MPEP §§608.01(I) and 2163.06, the original claims in a patent application constitute a part of the "disclosure of the invention" within the meaning of 35 USC §132. Therefore, support for the above-referenced claim limitation is found in claims 1, 11 and 14 as originally filed. Applicant has amended the specification to conform to the claims as filed and have included no new matter. Moreover, Applicant points out that since the housing 10 may be either translucent or not, it follows that a solar energy system can receive light energy through the translucent housing or may alternatively be coupled to the non-translucent housing such that a portion of the solar energy system has access to external solar energy (e.g., the back cover generally or the power source compartment cover in particular, is removed). Therefore, Applicant respectfully requests that the Examiner withdraw the indefiniteness rejection.

With respect to claim 18 lines 2-4, the Examiner correctly points out that the limitation "a plurality of support members" and its "longitude" have no antecedent basis. Claim 18 has been amended, thus obviating the Examiner's antecedent basis rejection. Applicant respectfully requests that the Examiner withdraw the rejection.

Claims 1, 2 and 4 Stand Rejected Under 35 U.S.C. §102(b)

In the Office Action, Claims 1, 2 and 4 were rejected under 35 U.S.C. §102(b) as being anticipated by either U.S. Patent 5,220,739 (hereinafter Chich et al.) or U.S. Patent 5,582,478 (hereinafter Ambrosino). It is respectfully submitted that since claims 1-6, 9-10, 14-16, 18 have been canceled to put the application in better condition for allowance, the grounds of rejection are moot.

Claims 1-3, 5-6, 9-10, 14-16 and 18 Stand Rejected Under 35 U.S.C. §103(a)

In the Office Action, claims 1-3, 5-6, 9-10, 14-16 and 18, were rejected under 35 U.S.C. §103(a) as being unpatentable over either U.S. Patent 6,092,318 (hereinafter Arie) in view of U.S. Patent 5,664,874 (hereinafter Winterer), U.S. Patent 5,097,612 (hereinafter Williams) in view of U.S. Patent 5,575,098 (hereinafter Goettel-Schwartz) or U.S. Patent 4,974,129 (hereinafter Grieb) in view of U.S. Patent 4,443,831 (hereinafter Godfrey). It is respectfully submitted that since claims 1-6, 9-10, 14-16, 18 have been canceled to put the application in better condition for allowance. Therefore, the grounds of rejection are moot.

Objection to Claims, Allowable Subject Matter

In the Office Action, Claims 7, 8, 11-13, 17, 19 and 20 were objected to as being dependent upon rejected base claims and/or 35 USC §112, second paragraph considerations, but were indicated allowable if re-written or amended to overcome these issues. In light of the foregoing discussion, it is believed that Claims 7, 8, 11-13, 17, 19 and 20 are allowable, therefore, it is respectfully submitted that these claims are in condition for allowance.

For the foregoing reasons, it is respectfully submitted that all of the pending claims in this application, as amended, are in condition for allowance. Favorable action on this application is, therefore, solicited.

Respectfully submitted

Date: August 23, 2003


Tony D. Alexander
Registration No. 44,501

TECHNOLOGY LEGAL COUNSEL LLC
Post Office Box 1728
Evans, Georgia 30809-1728
(706) 210-4026